REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claim 28 is cancelled. Claims 1, 14 and 27 are amended. Claims 1-27 are pending.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

II.   Rejection under 35 U.S.C. § 103

In the Office Action, at page 3, claims 1, 2, 14, 15 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,144,375 to Jain et al. in view of U.S. Publication No. 2003/0236912 to Klemets et al. in further view of Halvorsen ("Improving I/O Performance of Multimedia Servers). This rejection is respectfully traversed because the combination of the teachings of Jain, Klemets and Halvorsen does not suggest:

> analyzing information of streaming media source files, and processing a client's requirements to obtain a splitting requirement of the streaming media source files into clip files, the splitting requirement being one of clip placement based on clip time and clip placement based on quantity of clip splitting;
>
> defining a split files placement strategy and analyzing a clip file allocating requirements, according to the client's requirements;
>
> analyzing the streaming media source files to construct a splitting task list and relevant control files, according to the client's requirements,

as recited in amended independent claim 1.

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The Examiner alleges that col. 17, lines 50-67 and col. 18 lines 28-32 of Jain discusses analyzing information of streaming media source files and processing a client's requirements to obtain a splitting requirement of the streaming media source files. Jain discusses at cited col. 17, lines 50-67 and col. 18 lines 28-32 that data filtering may be required for a multi-media program, which helps to eliminate multi-media data that are relatively unimportant. Jain further discusses only that a capture/filter function 304 is provided in the multi-media system 300.

Jain does not discuss or suggest that streaming media source files are analyzed and that a client's requirements are processed to obtain a splitting requirement of the streaming media source files. While Jain does discuss that data filtering may be necessary, Jain is completely silent as to obtaining a **splitting requirement** of the streaming media source files. Merely recognizing that data filtering may be needed is not analyzing streaming media source files and processing a client's requirements to obtain a splitting requirement of the streaming media source files.

Further, Jain does not discuss or suggest that the splitting requirement is one of clip placement based on clip time and clip placement based on quantity of clip splitting. Jain is silent as to these particular features and that a determination is made as to the type of splitting requirement that is required by the client.

In addition, Jain fails to discuss or suggest defining a split files placement strategy and analyzing a clip file allocating requirements, according to the client's requirements. The Examiner alleges that Jain discloses such by cited col. 21, lines 15-67 and col. 22, lines 1-3. However, col. 21, lines 15-67 and col. 22, lines 1-3 only discuss splitting a video display into four video signals at one quarter their original size, based on four video streams of information from four video cameras being input into a quad splitter block 317. Jain further discusses that video clips are downloaded to a server in response to user queries. However, Jain does not discuss or suggest analyzing a clip file allocating requirements in accordance with the client's requirements, where such requirements are one of clip placement based on clip time and clip placement based on quantity of clip splitting.

Further, Jain does not suggest defining a split files placement strategy, according to the client's requirements, and analyzing the streaming media source files to construct a splitting task list and relevant control files, according to the client's requirements. The Examiner indicates that Halvorsen and Klemets make up for the deficiencies in Jain. The Applicants disagree.

Halverson discusses at 6.4.1 that in accordance with a prefetching approach, a traditional FFS file system which has block allocation and data placement policies could be

replaced with special multimedia file systems. It is entirely unclear as to how this portion of Halvorsen in any way relates to defining a split files placement strategy, specifically a placement strategy that is based on client requirements.

Halvorsen does not discuss defining a split files placement strategy. Halvorsen discusses that each clip can be assigned a retrieval period where several clients can start at the beginning of each period to view the same movie and to share resources. However, Halvorsen does not suggest that a split files placement strategy is defined or that a clip file allocating requirements is analyzed according to the client's requirements.

The Examiner alleges that, for the claim element of "analyzing the streaming media source files to construct a splitting task list and relevant control files, according to the client's requirements," multiple pieces of the element come variably from the Jain reference and the Klemets reference. It is entirely unclear as to how Klemets discusses constructing a splitting task list and relevant control files, according to the client's requirements, where the "splitting" comes from Jain, the "task list" comes from Klemets, the "control files" come from Klemets, and the "according to the client's requirements" comes from Jain. The Applicants respectfully submit that a rejection cannot pull different elements, here even different single words of elements, from multiple references, where those references cannot be incorporated together in a single device/method.

Further, as to Klemets, paragraphs 0012 of Klemets, which the Examiner alleges corresponds to a "task list," although not a "splitting task list" as recited in independent claim 1, discusses only media streams in a streaming media session and that a list of content descriptions attributes storing metadata about the media streams is embedded within a session description message. Klemets is completely silent as to analyzing streaming media source files to construct a splitting task list and relevant control files, **according to the client's requirements**.

In addition, neither Jain, Klemets or Halvorsen, alone or in combination, suggest that the split files placement strategy, the clip file allocating requirements or the streaming media source files are analyzed according to a client's requirements to obtain a splitting requirement of the streaming media source files into clip files, **the splitting requirement being one of clip placement based on clip time and clip placement based on quantity of clip splitting**.

Also, the motivation cited of "for the **purpose** of multimedia data splitting" and "for the purpose of video splitting and distributed placement" are not motivations that are enough to suggest to one of ordinary skill in the art to combine the teachings of Jain, Klemets and

Halvorsen. In particular, multimedia data splitting/video splitting is the general field of the present invention, but it is not a motivation that is suggestive of combining the references. Further, multimedia data splitting/video splitting is the purpose or result which is wished to be achieved, but "multimedia data splitting" and "video splitting" are not motivations or reasons to combine references. There must be an apparent reason to combine the known elements in the fashion claimed by the patent at issue. *See* KSR Int'l Co. v. Teleflex Inc., 550 U.S. __ (2007). Thus, the reason or motivation to combine the known elements must be apparent. In this case, multimedia data splitting/video splitting are not apparent reasons to combine the elements of Jain, Klemets and Halvorsen.

Therefore, as the combination of the teachings of Jain, Klemets and Halvorsen does not suggest "analyzing information of streaming media source files, and processing a client's requirements to obtain a splitting requirement of the streaming media source files into clip files, the splitting requirement being one of clip placement based on clip time and clip placement based on quantity of clip splitting; defining a split files placement strategy and analyzing a clip file allocating requirements, according to the client's requirements; analyzing the streaming media source files to construct a splitting task list and relevant control files, according to the client's requirements," as recited in amended independent claims 1 and 14, as the combination of the teachings of Jain, Klemets and Halvorsen does not suggest "capturing client's requests information; obtaining a splitting requirement of the streaming media source files into clip files based on the client's requests information, the splitting requirement being one of clip placement based on clip time and clip placement based on quantity of clip splitting; creating data placement strategies; analyzing the streaming media source files and creating task lists; splitting the streaming media source files into clips," as recited in amended independent claim 27, and as the motivations cited are inadequate to suggest combining the references, and not adequate motivations, claims 1, 14 and 27 patentably distinguish over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 2 and 15 depend directly from independent claims 1 and 14 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 2 recites that "the streaming media source files include an Index file and a Session Description Protocol (SDP) file." Therefore, claims 2 and 15 patentably distinguish over the references relied upon for at least the reasons discussed above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at pages 10-28, claims 3-13, 16-26, 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over various combinations of Jain, Klemets, Halvorsen, Jin et al. ("Owl: A New Multimedia Data Splitting Scheme for Cluster Video Server"), U.S. Patent No. 6,704,790 to Gopalakrishnan, U.S. Patent No. 5,884,028 to Kindell et al., U.S. Patent No. 6,573,907 to Madrane, U.S. Patent No. 6,675,189 to Rehg et al., U.S. Patent No. 6,591,247 to Stern, U.S. Patent No. 6,305,019 to Dyer et al., U.S. Publication No. 2002/0069420 to Russell et al., U.S. Patent No. 6,782,550 to Cao, U.S. Publication No. 2003/0118059 to Sugahara, and U.S. Patent No. 7,143,177 to Johnson et al. These rejections are respectfully traversed.

Claim 28 is cancelled.

As discussed above with respect to independent claims 1, 14 and 27, the combination of the teachings of Jain, Klemets and Halvorsen does not suggest all the features of claims 1, 14 and 27. Gopalakrishnan, Kindell, Madrane, Rehg, Stern, Dyer, Russell, Cao, Sugahara, and Johnson fail to make up for the deficiencies in Jain, Klemets and Halvorsen. Therefore, claims 1, 14 and 27 patentably distinguish over the references relied upon.

Claims 3-13 and 16-26 depend either directly or indirectly from independent claims 1, 14 and 27 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 3 recites that "the Index File includes a transmitting task list, a file name of a video source, a storage space of the video source, a time length of the video source, a clip file number of the video source, and a hot spot of the video source." Therefore, claims 3-13 and 16-26 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

Conclusion

In accordance with the foregoing, claim 28 has been cancelled. Claims 1, 14 and 27 have been amended. Claims 1-27 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP
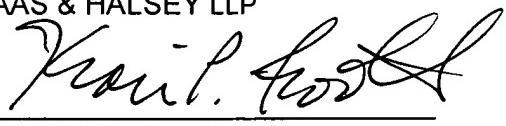
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